



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

LETITIA JAMES
ATTORNEY GENERAL

VIA ECF

Hon. Philip M. Halpern
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: Rose v. Garritt, 16-cv-3624(PMH)

Dear Judge Halpern:

This Office represents Defendants in the above-referenced action. In accordance with Your Honor's Individual Rules and the Court's ECF Rules, I write to respectfully request that Exhibits H-J, attached to the undersigned's declaration in support of Defendants' motions in limine (and which are also attached to this letter), be filed under seal.

Pursuant to the parties' stipulation of confidentiality, Exhibits H-J were produced to Plaintiff's counsel during discovery as "Highly Confidential" (i.e., "Attorney's Eyes Only") because they are part of the Inspector General ("IG")'s Office (later re-named the Office of Special Investigations ("OSI"))'s file and reflect investigatory techniques and protocols employed by IG/OSI in its internal investigation of the incident relevant to this litigation. See, e.g., MacNamara v. City of New York, 249 F.R.D. 70, 78-79 (S.D.N.Y. 2008) (describing law enforcement privilege). Further, Exhibits H and J contain the IG or OSI heading, which inmates are not permitted to be in possession of due to risks to institutional safety and security. For these reasons, Defendants respectfully request that the Court permit Defendants to file Exhibits H-J of the undersigned's declaration in support of Defendants' motion in limine under seal.

Thank you for your consideration of the application herein.

Respectfully submitted,
/s/ Deanna L. Collins
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Application granted.

Defendants are granted leave to file Exhibits H, I, and J in support of their motions in limine under seal.

The Clerk of the Court is respectfully directed to seal Doc. 105, permitting access only by the parties and the Court, but to retain the summary docket text for the record.

The Clerk of the Court is respectfully directed to terminate the motion sequence pending at Doc 104.

SO ORDERED.

Philip M. Halpern
United States District Judge

Dated: White Plains, New York
May 25 2021

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cc: Counsel of record (by ECF)